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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JOSE LUIS SANTANA,  
  
Defendant.

CASE NO. 1:21-CR-00278-JLT-SKO  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER  
  
CURRENT DATE: October 5, 2022  
TIME: 1:00 p.m.  
COURT: Hon. Sheila K. Oberto

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 5, 2022.
2. By this stipulation, defendant now moves to continue the status conference until December 7, 2022, and to exclude time between October 5, 2022, and December 7, 2022, under Local Code T4.
3. While the parties anticipate that the case may resolve without a trial, this is not yet a certainty. If defendant ultimately does not enter a guilty plea and decides to proceed to trial, the parties agree and stipulate, and request that the Court find the following:
  - a) The government asserts the discovery associated with this case includes reports, photographs, and recordings; discovery has been provided to defense counsel. The government

1 is aware of its ongoing discovery obligations.

2 b) The government is amendable to providing a plea offer should the defendant  
3 request one.

4 c) Counsel for defendant desires additional time to consult with his client, to review  
5 the current charges, to conduct investigation and research related to the charges, to review and/or  
6 copy discovery for this matter, to discuss potential resolutions with his client, to prepare pretrial  
7 motions, and to otherwise prepare for trial.

8 d) Counsel for defendant believes that failure to grant the above-requested  
9 continuance would deny them the reasonable time necessary for effective preparation, taking into  
10 account the exercise of due diligence.

11 e) The government does not object to the continuance.

12 f) Based on the above-stated findings, the ends of justice served by continuing the  
13 case as requested outweigh the interest of the public and the defendant in a trial within the  
14 original date prescribed by the Speedy Trial Act.

15 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
16 et seq., within which trial must commence, the time period of October 5, 2022 to December 7,  
17 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
18 T4], because it results from a continuance granted by the Court at defendant's request on the  
19 basis of the Court's finding that the ends of justice served by taking such action outweigh the  
20 best interest of the public and the defendant in a speedy trial.

21 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
23 must commence.

24  
25 IT IS SO STIPULATED.  
26  
27  
28

1 Dated: September 23, 2022

PHILLIP A. TALBERT  
United States Attorney

2 /s/ JESSICA A. MASSEY  
3 JESSICA A. MASSEY  
Assistant United States Attorney

4 Dated: September 23, 2022

5 /s/ W. SCOTT QUINLAN  
6 W. SCOTT QUINLAN  
Counsel for Defendant  
7 JOSE LUIS SANTANA

8  
9 **ORDER**

10 IT IS SO ORDERED.  
11

12  
13 DATED: 9/26/2022

14 Sheila K. Oberto  
Hon. Sheila K. Oberto  
U.S. Magistrate Judge